

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: November 23, 2004

TIME: 7:00 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Norman Khumalo-Assistant
Town Manager, Audience Members

Public Hearing – Removal of Trees

Six (6) Trees at Intersection of Beaver Brook and Christopher Roads

**It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY,
to open the public hearing.**

Richard Barrett, Highway Superintendent and John Dold, Interim Acting Town Engineer, were present pursuant to the Shade Tree Act, MGL, Chapter 87. Barrett reported that a resident in the area asked to have trees removed in order to improve sight distance on Beaver Brook Road.

Dold summarized his report, dated September 13, 2004, regarding a complaint received from Bruce Stephens, 3 Brian Drive, about the trees on Beaver Brook Road and Christopher Road. Dold stated that the Highway Department trimmed a large oak tree and improved the line of sight to the east at 275 feet for a vehicle turning onto Beaver Brook Road from Christopher Road.

Robert Welch, Police Chief, reported that there has been only one accident in the area since 1992. Welch also reported that he went to the location and found the sight distance to be satisfactory.

Bruce Stephens, 3 Brian Drive, stated that the trees in question have grown substantially and are now impacting the view in the westerly direction. Stephens pointed out that Beaver Brook Road is curved and that the safety of the road is diminishing because of the trees. Stephens felt that driving on Beaver Brook Road is stressful. Stephens reminded the Board of a recent fatal accident due to the sharp curve on Beaver Brook Road. Stephens stated that school buses pull out into oncoming traffic. Stephens felt that the threat to motorists could be eliminated by removing the trees so that drivers can see the oncoming traffic.

Donald Barth, 46 Beaver Brook Road, stated that he spoke to the Police and was told that there was no connection with the recent fatal accident and his property. Barth stated that residents need to trust public safety officials and not speculative statements. Barth stated that he regularly trims the trees and that he consented to the Highway Department doing the trimming. Barth could not recall any accidents at the intersection except for a skidding accident in 1992 due to inclement weather. Barth stated that many of his trees have died from the road salt that washes onto his property. Barth stated that the trees protect the wellbeing of his family and his property. Barth submitted a petition signed by ten families in the area urging the Board to deny the request to remove the trees.

Bob Williams, 6 Brian Drive, suggested an alternative solution of installing a vision improvement device on the utility pole across from Christopher Drive.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to close the public hearing.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to not remove the trees on Beaver Brook Road and Christopher Road.

Barrett will provide a report regarding the suggestion for a vision improvement device on the utility pole across from Christopher Drive.

One (1) Tree on Town Common; Corner of Lincoln Street

Barrett reported that large limbs are dying and falling off the tree. The tree also has insect infestation. Barrett felt that the tree was becoming a safety hazard and should be removed. The stump will be ground down.

Ellen Harde, Main Street, stated that a plan was put together several years ago regarding the replacement of trees with Sugar Maples. Harde asked if there were any plans to replace this tree. Barrett stated that he would look into the replacement of the tree in accordance with the plan.

It was moved by Silva, seconded by Romeo, and VOTED UNANIMOUSLY, to close the public hearing.

It was moved by Silva, seconded by Romeo, and VOTED UNANIMOUSLY, to remove the tree on the town common.

Licenses and Permits

Public Hearing, Wine and Malt License, Lil' Peach, 103 Main Street

Attorney Howard Hall was present for the applicant, Mizanuri Ruhman, a/k/a Sabu, seeking a Wine and Malt License. Hall stated that the store is in a business zone and is not near any schools or churches. Hall also stated that a satisfactory CORI report was received. Hall indicated that there are no plans to modify the store other than a display of wine in the front and coolers added to the far right side of the store. Hall stated that there are other convenience stores in Westford that hold wine and malt licenses.

Dennis Keris, 100 Main Street, reported that Attorney Kevin Finnegan spoke in opposition to a wine and malt license in 1984 at this location. Keris was also opposed to this license request and cited the residential neighborhood and that numerous teenagers go to Lil' Peach and Westford House of Pizza. Keris referenced the DARE program which recognizes alcohol as a drug being used by youths in an alarming rate. Keris felt that a Lil' Peach was the wrong place for a beer and wine license.

Laura Carrick, 9 Kirsi Circle, stated that she is an educator and is also alarmed by the alcohol use by teens. Carrick stated that she did not have a problem with Lil' Peach having a wine and malt license and pointed out that alcohol is available all over Westford.

Anthony Jorge, 102 Main Street, felt that there was no need for a beer and wine license at Lil' Peach and pointed out that there are many places to get alcohol in Westford. Jorge asked to keep the neighborhood stable.

Denali Delmar, 8 Dunstable Road, asked if the Town had a limit on the number of liquor licenses. Jefferies stated that there are wine and malt licenses available.

Tony Martinez, 95 Main Street, stated that many residents came out during the public hearing in 1984. Martinez asked the Board to deny the license.

A resident spoke in opposition to the license and felt that it would be more appropriate on a traveled road like Route 110 or Route 40 and not in a residential neighborhood.

It was moved by Healy-Coffin, seconded by Loiselle for discussion, to deny the license. Healy-Coffin cited the residential neighborhood, the availability of alcohol in Westford, and that she did not want to see an increase in traffic in that area.

Hall submitted a petition from 1,400 customers many of whom were residents who wanted Lil' Peach to sell beer and wine. Hall stated that he was not here to discuss zoning and that the Board's only purpose was to determine if the owners are proper to hold a wine and malt license.

Jefferies noted that teenagers hang out at Lil' Peach. Jefferies did not feel that the store could control the flow of beer and wine from that location due to the layout and the way it is manned. Jefferies asked Healy-Coffin to amend her motion to add inventory control issues. Healy-Coffin concurred.

Sabu stated that he has been involved with Lil' Peach for 10 years and has never had any problems with teenagers and has never received a ticket.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to close the public hearing.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to deny the liquor license because of the residential neighborhood except for this strip mall, there are plenty of places in Westford that sell alcohol, future increase in traffic concerns and inventory control issues at Lil' Peach.

Discussion of Public Comments on Use of East Boston Camps

Ledoux outlined the East Boston Camps Purchase Parameters. Loiselle stated that this meeting was the first of several opportunities for public input. The Global Use Committee will be holding another public session on Tuesday,

November 30, 2004 at 7:30 p.m., Westford Academy Auditorium, for public input.

Loiselle showed a map of the East Boston Camps site and photographs. Loiselle stated that there could be two parcels for recreation, or some other use other than conservation, and conservation land. Loiselle stated that the Board has heard from many residents asking to preserve the land and use it as recreation.

Jim Brooks, 46 Nabnasset Street, stated that dog walkers use the property every day. Brooks wanted the land to stay as it is.

Max Steiner, 8 Coolidge Street, stated that the land should be made available for all people to use. Steiner noted that there is a crisis for available athletic fields. Steiner felt that there was an opportunity to create a park system for everyone. Steiner asked to keep the land pristine but take into account the needs of all the residents.

Marcia Stokes, 10 Holly Lane, stated that she is also a dog walker at East Boston Camps. Stokes stated that the Town needed to look ahead for the children and to be careful when cutting up the land.

Ellen Brooks, 46 Nabnasset Street, stated that she has been using the East Boston Camps site for 26 years. Brooks asked that the land stay exactly as it is. Brooks stated that she did not feel safe letting Town departments take control over the land. Brooks did not want to see the land cut up. Brooks felt that the land could be used for nature study.

Nancy Ebereil, 4 Depot Street, stated that she has walked the East Boston Camps site for many years and was pleased with the support for the project. Ebereil wanted to preserve a majority of the land. Ebereil noted that she also felt safe on the property.

Mike Ingalls, 53 Plain Road, asked what kind of restrictions would be on the conservation and the recreation components of the land. Loiselle explained that the committee has not gotten to that level of detail nor has the recreation land been surveyed to determine the carrying capacity. Loiselle stated that initial talks indicate 3 or 4 playing fields. Ingrid Nilsson, 6 Depot Street, Community Preservation Committee, stated that the Trust for Public Land will help craft a permanent conservation restriction. Loiselle stated that the Town

also needs to think about what to do with the existing buildings on the property.

Tony Martinez, 95 Main Street, stated that the Town should buy the property if possible. Martinez urged the committee to contact New England Forestry Association and to visit a property they were involved with in the Town of Acton.

Jim Monoxelos, 67 Endmoor Road, President of Westford Youth Baseball, noted the growing population of children in Westford and the need for more ball fields. Monoxelos pointed out that the existing fields are being overused.

Denali Delmar, 8 Dunstable Road, was concerned with water conservation and asked that the water resources are carefully preserved.

Peter Severance, Snow Drive, felt that the Town did a good job in planning for open space and referenced reports by the Land Use Priorities Committee and the Open Space Plan. Severance pointed out that the East Boston Camps was listed as passive recreation.

Mike Ingalls, 53 Plain Road, cautioned the committee about figuring out what to do with the land before purchasing. Ingalls suggested buying the land then taking time to talk about the uses.

Nancy Rosinski, member of the Land Use Priorities Committee, responded to Peter Severance and said that she had been on the Land Use Priorities Committee and when they made their recommendation in the final report in 2002, that the East Boston Camps be used only for open space and passive recreation, the Committee had not looked or reported on the 29 acre field parcel off of Nutting Road. The Committee had only looked at the main wooded parcel with the boys and girls camps.

Dave Grant, 2 Park View Circle, stated that this is an opportunity to preserve the main parcel of land and carve out a recreation use. Grant also pointed out the need for playing fields in Westford.

Betsy Andrews, 87 West Street, supported the summer camp as a revenue generator and a way to maintain the buildings.

George Fletcher, 3 Plain Road, stated that the land would need to be excavated for ball fields in the main parcel. Fletcher stated that the property has town water and electricity. Fletcher felt that the Town could continue to use the camp and still use the property for walking.

Leslie Thomas, 8A Old Colony Drive, felt that this property provided an opportunity for environmental education which would help protect the environment.

Mary Caless, 70 Beaver Brook Road, noted that the School Department held an excellent program when the property was used for educational purposes.

Marian Harman, Westford Conservation Trust, announced site walks Saturdays (10:00 a.m.) and Sundays (1:00 p.m.), December 4th through January 30th.

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to close the public hearing.

Selectmen to Set Special Town Meeting for East Boston Camps

Ledoux reported that the Hyams Foundation would like to close before March 31, 2005. Ledoux provided two different timelines. Ingrid Nilsson, 6 Depot Street, Community Preservation Committee (CPC), stated that the CPC needs time to hold public hearing and make a recommendation. Nilsson suggested holding the Special Town Meeting on February 7, 2005.

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to hold the Special Town Meeting on Monday, February 7, 2005.

Ellen Harde, Town Moderator, indicated that the Board may wish to consider holding the Special Town Meeting at Westford Academy if a big crowd is expected. Jefferies stated that the Board would publicize the Special Town Meeting and the timeline. Jefferies wanted only the East Boston Camps on the warrant.

Discussion with Land Acquisition Oversight Committee on Follow Up Report

Diane Holmes, Chairman, reminded the Board that the Committee presented a report on September 14, 2004 and that no official action was taken by the Board at that time. Holmes stated that the Committee was looking for a determination as to whether the Board was ready to approve any of the Committee's recommendations so that the Committee can begin working with

town hall staff relative to the process of transferring land. Healy-Coffins stated that she was not prepared to make a decision tonight and suggested a joint working meeting to discuss all of the details.

Andrea Peraner-Sweet, Vice-chair of the Affordable Housing Committee, reminded the Board that one of the Selectmen's goals was to support affordable housing. Peraner-Sweet wanted to keep the process moving forward.

Romeo was in favor of a joint working meeting and suggested the participation of the Community Preservation Committee and the Town Engineer. Betsy Andrews asked that the School Department also be included in the meeting.

The Board asked Ledoux to post a meeting for Wednesday, December 1, 2004 at 7:15 a.m., Millennium School.

Joint Meeting with Housing Authority to Fill Vacancy

Christine Pude, Housing Authority Director, and members of the Housing Authority were present to fill the vacancy left by Bill Coakley. Pude recommended the appointment of Scott Hazelton. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY (both Boards), to appoint Scott Hazelton to the Housing Authority.**

Discussion of Cooperation Agreement Regarding Payment in Lieu of Taxes for Three (3) Units at Brookside Mill Condominiums

Christine Pude, Housing Authority Director, reported that the Housing Authority closed on three (3) units at Brookside Mill. The Housing Authority will be holding a lottery. The rental price for the 2-bedroom units will be \$800.00 per month. Pude summarized the Cooperation Agreement regarding the payment in lieu of taxes (PILOT).

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to agree to the Cooperation Agreement and to notify the Assessor's Office.

Recap of Special Town Meeting

Ellen Harde, Town Moderator, reported that she received telephone calls from residents asking what happened to the eight articles that were not acted on due to the lack of a quorum. Jefferies stated that the planning articles should be at Annual Town Meeting for a wider audience. The article regarding a Zoning Board of Appeals third alternate member was withdrawn even though there was a quorum at the time because a required public hearing by the Planning Board had not occurred prior to Special Town Meeting. Jefferies also reported that

Land Court found in favor of the owner of 52 Beaver Brook Road and is now on appeal. Jefferies stated that the League of Women Voters was concerned with the Board's notification process and that they made a suggestion to put the Special Town Meeting date in the Annual Town Report. Harde suggested that more advertising was needed regarding the Special Town Meeting date. Harde stated that the League of Women Voters was willing to help with the advertisement. Healy-Coffin suggested keeping the lines of communication open.

Joint Meeting with School Committee and Finance Committee on FY06 Projections

Members of the School Committee and Finance Committee were present for the discussion. Suzanne Marchand, Finance Director, outlined the changes in the FY05 and FY06 projections which included new growth, state aid increases, one-time municipal relief, purchase order system, hiring freeze, ongoing program of collecting back taxes, ambulance enterprise system, and the retirement assessment. Ledoux stated that the budget process begins this week. Ledoux will be asking Town departments for a no growth budget.

Margaret Murray, Chairman of the School Committee, reported that the School Committee met last night with the leadership team. Murray stated that they will be establishing a budget message and Finance Committee schedule on Monday, November 29th.

Presentation by Doug Deschenes on Proposed Hawk Ridge 40B Project

Attorney Douglas Deschenes provided an overview of the project pursuant to Chapter 40B. Deschenes showed a plan of the 10.92 acre site (¼ of 1 acre is wetlands). The land is currently zoned Industrial C. The applicant is proposing 28 single family homes (condominiums), with 3 bedrooms, 1½ bathrooms, 1,600-1,700 sq. ft., equaling 2.5 units per acre which is in conformance with the Chapter 40B guidelines. Deschenes stated that the existing home will be razed. Deschenes showed renderings of three styles of homes proposed for the development. The market rate units will be sold for approximately \$389,000 and seven units will be sold as affordable for approximately \$165,000. Deschenes stated that the waiver list will be minimal.

Jefferies recommended that the applicant look at sound control for Route 3 as the development will be down gradient from the highway. Loiselle wanted to be sure that the school bus access was adequate and that the Town of Chelmsford was in agreement with it. Deschenes stated that the development will get water from the Town of Tyngsborough. Healy-Coffin asked Khumalo to determine where the water main is on Make Peace Road. Ledoux stated that there may be a 911 concern as the homes on Make Peace Road have Chelmsford exchanges. Jefferies was concerned with the Industrial C zoning and

suggested that the Zoning Board of Appeals condition the approval and place deed restrictions so that industrial uses do not start appearing in the development.

Selectmen to Comment on Woodlands at Laurel Hill Application

Sam Frank, Chairman of the Zoning Board of Appeals, was present and stated that Town Counsel is looking into the question of accepting effluent from another town. Jefferies questioned whether a sewer district was needed. Jefferies asked who owned Durkee Lane. Jefferies did not want the developer doing something that they were not legally entitled to do. Frank stated that the ZBA supports joint meeting with the Acton ZBA and separate meetings for separate items as well as strategy sessions for unified town positions. Frank stated that there will be separate town counsels and separate comprehensive permits. Frank stated that the Westford ZBA will be meeting with land use boards to discuss the Town's objectives in this development. Jefferies stated that another concern was the nature of the single access and the remoteness of the services.

Request for Waiver of Hiring Freeze **Planner (Zoning & Housing); GIS Inspector**

Khumalo outlined the need for the positions.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to lift the hiring freeze for the Planner position.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to lift the hiring freeze for the GIS Inspector position.

Licenses and Permits

Request for Main Street Banner, November 28th – December 4th, 2004 –
Request received from Westford Academy to place a banner to advertise the Westford Academy Holiday Bazaar. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.**

Franklin Property

No report at this time.

Update on Perchlorate

Ledoux reported that Town Counsel is drafting an agreement with Kenneth Winchester regarding the water connection.

Minutes

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the Executive Session minutes of October 12, 2004 but NOT release to the public.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 12, 2004.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of October 18, 2004.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Loiselle), to approve the minutes of October 26, 2004.

Board Reports/Updates

Comcast License – Silva reported that the license renewal process is nearing completion. Silva anticipated presenting the final renewal license to the Board at the next meeting.

Old Business/New Business

Brookside Bridge – Ledoux announced that the Brookside Bridge will re-open on Friday, November 26, 2004. Bids will be opened on Wednesday, November 24, 2004 on the Pleasant Street bridge.

Correspondence

Jefferies read the list of correspondence.

11.15 Eagle Scout Recognition – Andre Courcy, 11 Kylemore Drive. The Board to send a letter of congratulations. Silva to attend ceremony.

11.16 Eagle Scout Recognition – Drew Janoch, 25 Old Homestead Road. The Board to send a letter of congratulations. Silva to attend ceremony.

Open Items

11/23-1 Ledoux to post meeting for 12/1/04 7:15 a.m., Millennium School re: joint meeting to discuss Land Acquisition Oversight Committee recommendations.

11/23-2 Khumalo to determine where the water main is on Make Peace Road.

11/23-3 Board to send letter of congratulations to Andre Courcy, Eagle Scout.

11/23-4 Board to send letter of congratulations to Drew Janoch, Eagle Scout.

Adjournment

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:37 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman

Submitted by Beth A. Kinney, Recording Secretary